

**THURSDAY, FEBRUARY 12, 1998**

**SIXTY-FOURTH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Edwin Sanders, Metropolitan Interdenominational Church, Nashville, Tennessee.

Representative Langster led the House in the Pledge of Allegiance to the Flag.

**COMMUNICATION**

State of Tennessee  
County of Blount

BE IT REMEMBERED, that a called meeting of the Blount County Board of County Commissioners was held on Monday, February 9, 1998, at the courthouse in Maryville, Tennessee. The Board was legally opened by Deputy Sheriff Joe Benson, Commissioner Richard Williams gave the invocation and Commissioner Billy Coning led in the pledge to the American Flag.

Roll call was taken by Roy Crawford Jr., County Clerk:

Robert Arwood - present	Leroy Huff - present	Robert Ramsey - present
Rody Blevins - present	John Keeble - present	Cinda Reed - present
Williams Coning - present	Bob Kidd - present	Steve Samples - presents
Bob Evans - present	Sam Lambert, III - present	Kevin Shepherd - present
J.C. Franklin - present	Tom McCarter - present	Mickey Walker - present
Bill Harless - present	Clara McNutt - present	Mike Walker - present
James Hill - present	Virginia Morton - present	Richard Williams, Jr. -present

There were 21 present. Chairman Walker declared a quorum to exist. The following proceedings were held to-wit:

**IN RE: RESOLUTION REGARDING RECYCLING IN BLOUNT COUNTY.**

Commissioner Franklin made a motion to approve the concept and resolution. Commissioner Morton seconded the motion.

Commissioner Williams made a motion to table the resolution. Commissioner Kidd seconded the motion.

A roll call vote was taken on the motion to table:

Arwood - aye	Hill - aye	McNutt - nay	Mickey Walker - nay
Blevins - nay	Huff - nay	Morton - nay	Mike Walker - nay
Coning - nay	Keeble - nay	Ramsey - nay	Williams - nay
Evans - aye	Kidd - aye	Reed - nay	
Franklin - nay	Lambert - nay	Samples - aye	
Harless - nay	McCarter - nay	Shepherd - nay	

There were 5 voting aye and 16 voting nay. Chairman Walker declared the motion to table to have failed.

Commissioner Reed made a motion to pass the resolution subject to the resolution being approved by the City of Alcoa and the City of Maryville. Commissioner Arwood seconded the motion.

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Commissioner Coning made a motion to refer the resolution and amendment to the intergovernmental Committee and the Public Services Committee. Commissioner Hill seconded the motion.

A voice vote was taken with Chairman Walker declaring the motion to have passed.

**IN RE: ELECTION OF STATE REPRESENTATIVE REPRESENTING HOUSE DISTRICT 8.**

Commissioner McNutt made a motion that all candidates be given the opportunity to address the Board. Commissioner Ramsey seconded the motion.

A voice vote was taken with Chairman Walker declaring the motion to have passed.

Commissioner Morton nominated Mike Walker to fill the vacancy created by the resignation of Representative Bill Clabough. Commissioner Reed seconded the motion. Commissioner Keeble nominated Oliver Williams. Commissioner Samples seconded the nomination. Commissioner McNutt nominated Kevin Shepherd. Commissioner Ramsey seconded the nomination. Commissioner Coning nominated Jim Hall. Commissioner Kidd seconded the nomination. Susan Jones nominated Ron Beckmann.

Commissioner Mike Walker accepted the nomination. Commissioner Kevin Shepherd accepted the nomination. Commissioner Jim Hall accepted the nomination.

Commissioner Samples made a motion that nominations cease. Commissioner Lambert seconded the motion.

A voice vote was taken with Chairman Walker declaring the motion to have passed.

A roll call vote was taken on the nominations:

Arwood - Williams	Harless - Shepherd	McCarter - Walker	Samples - Walker
Blevins - Walker	Huff - Hill	McNutt - Shepherd	Mickey Walker - Walker
Coning - Hill	Keeble - Williams	Morton - Walker	Williams - Hill
Evans - Hill	Kidd - Hill	Ramsey - Shepherd	
Franklin - Walker	Lambert - Walker	Reed - Walker	

There were 7 voting for Mike Walker, 3 voting for Oliver Williams, 5 voting for Jim Hill, 3 voting for Kevin Shepherd, and 0 voting for Ron Beckmann.

Since no candidate received a majority of the membership's vote and there was a tie among the candidates receiving the least number of votes, a roll call vote was taken on the candidates to be dropped:

Arwood - Williams	Harless - Shepherd	McCarter - Pass	Samples - Williams
Blevins - Shepherd	Huff - Pass	McNutt - Shepherd	Mickey Walker - pass
Coning - Shepherd	Keeble - Williams	Morton - Williams	Williams - Williams
Evans - Williams	Kidd - Williams	Ramsey - Shepherd	
Franklin - Pass	Lambert - Pass	Reed - Pass	

There were 7 voting for Williams, 5 voting for Shepherd and 6 passing. Chairman Walker declared Kevin Shepherd to be eliminated from the vote.

A roll call vote was taken on the remaining candidates:

Arwood - Williams	Harless - Walker	McCarter - Walker	Samples - Williams
Blevins - Walker	Huff - Hill	McNutt - Williams	Mickey Walker - Walker
Coning - Hill	Keeble - Williams	Morton - Walker	Williams - Hill
Evans - Hill	Kidd - Hill	Ramsey - Williams	
Franklin - Walker	Lambert - Walker	Reed - Walker	

There were 8 voting for Mike Walker, 5 voting for Oliver Williams, 5 voting for Jim Hill.

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Since no candidate received a majority of the membership's vote and there was a tie among the candidates receiving the least number of votes, a roll call was taken on the candidate to be dropped:

Arwood - Williams	Harless - Pass	McCarter - Pass	Samples - Williams
Blevins - Hill	Huff - Hill	McNutt - Williams	Mickey Walker - Williams
Coning - Hill	Keeble - Williams	Morton - Walker	Williams - Hill
Evans - Hill	Kidd - Hill	Ramsey - Williams	
Franklin - Williams	Lambert - Williams	Reed - Pass	

There were 9 voting for Williams, 6 voting for Hill, and 3 passing. Chairman Walker declared Jim Hill to be eliminated from the vote.

A roll call vote was taken on the remaining candidates:

Arwood - Williams	Harless - Walker	McCarter - Walker	Samples - Williams
Blevins - Walker	Huff - Walker	McNutt - Williams	Mickey Walker - Walker
Coning - Walker	Keeble - Williams	Morton - Walker	Williams - Williams
Evans - Williams	Kidd - Williams	Ramsey - Walker	
Franklin - Walker	Lambert - Walker	Reed - Walker	

There were 11 voting for Mike Walker, and 7 voting for Oliver Williams. Chairman Walker declared Mike Walker to be elected.

### IN RE: ADJOURNMENT.

Commissioner Lambert made a motion to adjourn the meeting. Commissioner McCarter seconded the motion.

A voice vote was taken with Chairman Walker declaring the meeting to be adjourned.

### OATH OF OFFICE OF MIKE WALKER

Mike Walker stood and was administered the oath of office by Speaker Naifeh, as prescribed by the State Constitution and the Statutes of Tennessee.

### ROLL CALL

The roll call was taken with the following results:

Present..... 95

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Brown; personal business

Representative Hassell; personal business

Representative U. Jones; personal reasons

Representative Garrett; personal reasons

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 89:** Rep(s). Bowers as first prime sponsor(s).

**House Bill No. 1520:** Rep(s). Naifeh, Hargrove, Cole(Carter) and Whitson as prime sponsor(s).

**House Bill No. 1789:** Rep(s). Robinson and Kerr as prime sponsor(s).

**House Bill No. 2108:** Rep(s). Walker(Rhea) as prime sponsor(s).

**House Bill No. 2134:** Rep(s). Patton as prime sponsor(s).

**House Bill No. 2215:** Rep(s). Walker(Rhea) as prime sponsor(s).

**House Bill No. 2333:** Rep(s). Turner(Hamilton), Naifeh, Head, Hargrove and Bowers as prime sponsor(s).

**House Bill No. 2421:** Rep(s). Boner as prime sponsor(s).

**House Bill No. 2447:** Rep(s). McDaniel as prime sponsor(s).

**House Bill No. 2459:** Rep(s). Turner(Hamilton), Naifeh, Head, Hargrove and Bowers as prime sponsor(s).

**House Bill No. 2464:** Rep(s). Kent as prime sponsor(s).

**House Bill No. 2466:** Rep(s). Kent as prime sponsor(s).

**House Bill No. 2527:** Rep(s). West as prime sponsor(s).

**House Bill No. 2549:** Rep(s). Boner as prime sponsor(s).



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**House Bill No. 2583:** Rep(s). Buck, Dunn, Maddox, Stulce, Mumpower, Roach, Sargent, Davis, Hicks, Ridgeway, McDaniel, Windle, Kisber and Tindell as prime sponsor(s).

**House Bill No. 2614:** Rep(s). McDonald as prime sponsor(s).

**House Bill No. 2621:** Rep(s). Naifeh, Kisber, Armstrong, Rinks, Fowlkes, Phelan, Kent, Rhinehart, Cole(Dyer), Cole(Carter), White, Hargrove, Whitson, McDonald and Chumney as prime sponsor(s).

**House Bill No. 2670:** Rep(s). Langster, Williams, West, S. Jones, Ferguson, Boner, Rhinehart, Tindell, Pleasant, Haley, U. Jones, J. DeBerry, Kernell, Kent and Tidwell as prime sponsor(s).

**House Bill No. 2673:** Rep(s). Tindell as first prime sponsor(s).

**House Bill No. 2690:** Rep(s). Walker(Rhea) as prime sponsor(s).

**House Bill No. 2766:** Rep(s). Walker(Rhea) as prime sponsor(s).

**House Bill No. 2814:** Rep(s). Walker(Rhea) as prime sponsor(s).

**House Bill No. 2834:** Rep(s). Brooks, Langster, S. Jones and Eckles as prime sponsor(s).

**House Bill No. 2835:** Rep(s). Hargett as prime sponsor(s).

**House Bill No. 2842:** Rep(s). Cooper, Halteman Harwell, Buck, Pruitt, West, S. Jones, Newton, Bowers and Langster as prime sponsor(s).

**House Bill No. 2853:** Rep(s). Cooper, Buck, Pruitt, West, Bowers, S. Jones, Newton and Langster as prime sponsor(s).

**House Bill No. 2863:** Rep(s). Hargett as prime sponsor(s).

**House Bill No. 2932:** Rep(s). Cross as prime sponsor(s).

**House Bill No. 2956:** Rep(s). Hargett as prime sponsor(s).

**House Bill No. 3004:** Rep(s). Hargett as prime sponsor(s).

**House Bill No. 3110:** Rep(s). Mumpower as first prime sponsor(s).

**House Bill No. 3123:** Rep(s). Hargett as prime sponsor(s).

**House Bill No. 3314:** Rep(s). Hargett as prime sponsor(s).

**House Bill No. 3353:** Rep(s). Hargett as prime sponsor(s).

**MESSAGE FROM THE SENATE**  
**February 10, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 379, 410, 411, 413, 415, 417, 418, 419, 420 and 421; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 379** -- General Assembly, Directed Studies - Directs department of environment and conservation to conduct feasibility study to create new park management unit from certain state properties along Harpeth River. by \*Kurita, \*Kurita.

**Senate Joint Resolution No. 410** -- Memorials, Professional Achievement - Daniel G. Owen, 4-H leader in Bedford County. by \*Womack.

**Senate Joint Resolution No. 411** -- Naming and Designating - "Emergency Preparedness Day," fourth Wednesday of September each year. by \*Williams.

**Senate Joint Resolution No. 413** -- Memorials, Professional Achievement - Professor Mark Jarman, National Book Critics Circle Award nominee in poetry. by \*Henry.

**Senate Joint Resolution No. 415** -- Memorials, Sports - 1997 Jellico High School TSSAA Region 2 2-A football players. by \*McNally.

**Senate Joint Resolution No. 417** -- Memorials, Death - Reverend Hogan Yancy. by \*Herron, \*Henry.

**Senate Joint Resolution No. 418** -- Memorials, Death - Carol Feeney. by \*Herron.

**Senate Joint Resolution No. 419** -- Memorials, Death - Chancellor Aaron Brown, Sr. by \*Herron, \*Cohen, \*Dixon.

**Senate Joint Resolution No. 420** -- Memorials, Professional Achievement - J. C. Carey, Physician's Assistant of the Year. by \*Herron.

**Senate Joint Resolution No. 421** -- Memorials, Professional Achievement - Hart's Cleaners, 50th anniversary. by \*Herron.

**MESSAGE FROM THE SENATE**  
**February 10, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2168, 2186, 2211, 2213, 2217, 2219, 2223, 2226, 2236, 2242, 2288, 2297, 2307, 2320, 23332, 2335, 2382 and 2415; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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**\*Senate Bill No. 2168** -- Consumer Protection - Requires ticket sellers to refund ticket purchase price plus fees and charges when concert or event cancelled; allows ticket sellers to recover refund money from promoter or entertainer responsible for scheduling concert or event. Amends TCA Title 47, Chapter 18, Part 1. by \*Cohen.

**Senate Bill No. 2186** -- Highway Signs - "John A. Ammons Memorial Bridge," Knob Creek on S.R. 7, Maury County. by \*Jordan.

**Senate Bill No. 2211** -- Highways, Roads and Bridges - Urges department of transportation to continue widening of Highway 70 from Waverly to Dickson. by \*Springer.

**Senate Bill No. 2213** -- Highways, Roads and Bridges - Urges Tennessee department of transportation to begin environmental studies and preliminary engineering on Highway 100 from Centerville to Nashville. by \*Springer, \*Henry, \*Haynes.

**\*Senate Bill No. 2217** -- Credit Cards - Deems retail charge agreement to be signed if application or agreement signed or if charge account used by retail buyer or person authorized by buyer so long as retail buyer has received Truth-in-Lending disclosures and seller has extended credit for transaction. Amends TCA Section 47-11-104. by \*Cooper.

**Senate Bill No. 2219** -- Highway Signs - "Wiley C. Warden Memorial Bridge," S.R. 49, Yellow Creek, Houston County. by \*Kurita.

**Senate Bill No. 2223** -- Fire Prevention and Investigation - Permits deputy fire inspectors appointed by authorized city officials to conduct electrical inspections for a fee upon request of property owners, electric suppliers, or municipal or county governments. Amends TCA 68-102-143. by \*Williams, \*Atchley.

**Senate Bill No. 2226** -- Textbooks - Raises earnest money certified check limit for publishers bidding on textbook contracts from \$2,000 maximum to \$10,000 (\$1,000 per book) and bond requirements from \$10,000 maximum to \$1,000,000. - TCA Section 49-6-2203. by \*Elsa, \*Atchley.

**Senate Bill No. 2236** -- Banks and Financial Institutions - Permits department of financial institutions and other bank supervisory agencies to share portion of fees paid by Tennessee banks with branches in other states. Amends TCA 45-2-1408(f). by \*Carter, \*Atchley.

**Senate Bill No. 2242** -- Tobacco, Tobacco Products - Permits county and municipal law enforcement agencies to receive 50 percent of net proceeds realized from confiscated contraband tobacco products seized by officer of agency. Amends TCA 67-4-1021. by \*Fowler, \*Atchley.

**\*Senate Bill No. 2288** -- Corporations - Revises methods by which shareholder may authorize another person to act as proxy Amends TCA Title 48, Chapter 17. by \*Rochelle.

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**Senate Bill No. 2297** -- Day Care - Requires DHS licensure application and renewal fees, collected from family child care homes, group child care homes and child care centers, to be earmarked and used solely for training and educational programs and services for child care providers. Amends TCA Section 71-3-506. by \*Fowler.

**Senate Bill No. 2307** -- Credit Unions - Authorizes commissioner of financial institutions to extend annual examination to 18 months if credit union received composite rating of 1 or 2 on last examination; commissioner to consider quality of management, capitalization, internal controls and other relevant factors. Amends TCA Section 45-4-1002(a). by \*Rochelle, \*Dixon, \*Carter, \*Elsea, \*Crutchfield, \*Fowler.

**Senate Bill No. 2320** -- Race Relations - Requires staff of historical commission to compile and publish guide on African-American markers placed throughout state to acquaint citizens and visitors with cultural and historical heritage of African-Americans in Tennessee. by \*Dixon, \*Harper.

**\*Senate Bill No. 2332** -- Courts - Requires that final orders and cost bonds include name, address and social security or other identifying number of party ordered to pay court costs. by \*Rochelle.

**\*Senate Bill No. 2335** -- Uniform Commercial Code - Repeals provisions relative to Bulk Sales; makes conforming amendments; preserves rights and obligations arising under repealed provisions. Amends TCA Section 47-1-105(2); Section 47-2-403 and Section 67-1-1801. Repeals TCA Title 47, Chapter 6 and Section 47-9-111; and to amend TCA Section 47-1-105(2); Section 47-2-403 and Section 67-1-1801. by \*Rochelle.

**\*Senate Bill No. 2382** -- Health - Deletes 1990-1995 date restriction relative to commission to develop and update Tennessee state health plan. Amends TCA Section 68-11-125. by \*Cooper.

**\*Senate Bill No. 2415** -- Criminal Offenses - Enacts "Tennessee Identity Theft and Assumption Deterrence Act of 1998"; creates offense of identity theft and assumption, punishable as Class A misdemeanor. Amends TCA Section 39-16-302. by \*McNally.

**MESSAGE FROM THE SENATE  
February 10, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 393, 395 and 396; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
February 10, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2045, 2047, 2050, 2051, 2053, 2054, 2062, 2064, 2065, 2067, 2068, 2069, 2197, 2231, 2232 and 2288; also, House Joint Resolution(s) No(s). 469, 470, 471, 473, 474, 475, 478, 479, 480, 482, 483 and 507; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENROLLED BILLS  
February 10, 1998**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 491, 492, 493, 494, 495 and 498.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
February 10, 1998**

The Speaker signed the following: House Joint Resolution(s) No(s). 491, 492, 493, 494, 495 and 498

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
February 10, 1998**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2045, 2047, 2050, 2051, 2053, 2054, 2062, 2064, 2065, 2067, 2068, 2069, 2197, 2231, 2232 and 2288; also, House Joint Resolution(s) No(s). 469, 470, 471, 473, 474, 475, 478, 479, 480, 482, 483 and 507.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
February 11, 1998**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 393, 395 and 396.

**MESSAGE FROM THE GOVERNOR  
February 11, 1998**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2231 and 2232, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**February 12, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2153; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 2153** -- Regional Authorities - Redistributes certain funds in Moore County relative to abolition of Tennessee Elk River development agency. Amends Chapter 816 of the Public Acts of 1996. by \*Cooper.

**MESSAGE FROM THE SENATE**  
**February 12, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 403, 441 and 445; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 403** -- General Assembly, Confirmation of Appointment - Mrs. Cherrie Holden, State Board of Education. by \*Person, \*Leatherwood, \*Atchley, \*Crowe, \*Carter, \*Burks, \*Kyle, \*Crutchfield, \*Springer, \*Haun, \*Fowler, \*McNally, \*Williams, \*Miller J, \*Ramsey, \*Cooper, \*Henry, \*Jordan, \*Harper, \*Clabough (S), \*Cohen, \*Ford J, \*Elsea.

**Senate Joint Resolution No. 441** -- Memorials, Retirement - Lorean Jones. by \*Ford J.

**Senate Joint Resolution No. 445** -- Memorials, Sports - Sarah Marie Edwards, 1997 Wendy's High School Heisman Trophy Award winner. by \*Clabough (S), \*Atchley.

**MESSAGE FROM THE SENATE**  
**February 12, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 491, 492, 493, 494, 495 and 498; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**February 12, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2092, 2094, 2118 and 2928; also, Senate Joint Resolution(s) No(s). 394, 398, 401, 402 and 444 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**February 12, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436, 438 and 439; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 422** -- Memorials, Death - Gleason Police Chief Kenneth Eason. by \*Herron.

**Senate Joint Resolution No. 423** -- Memorials, Death - Judge Robert Neal Glasgow. by \*Herron.

**Senate Joint Resolution No. 424** -- Memorials, Professional Achievement - WCMT-AM/FM (Martin) and WCDZ (Dresden), 40th anniversary. by \*Herron.

**Senate Joint Resolution No. 425** -- Memorials, Retirement - Ancel R. McDuffee, Tennessee Board of Paroles. by \*Herron.

**Senate Joint Resolution No. 426** -- Memorials, Death - Richard S. Jones. by \*Herron.

**Senate Joint Resolution No. 427** -- Memorials, Death - Richard Albert Deason. by \*Herron.

**Senate Joint Resolution No. 428** -- Memorials, Death - Jenny Mangum. by \*Herron.

**Senate Joint Resolution No. 429** -- Memorials, Death - Turner E. Kirkland. by \*Herron.

**Senate Joint Resolution No. 430** -- Memorials, Public Service - Dr. Buck Tarpley, recipient of Harold Love Outstanding Community Involvement Award. by \*Herron.

**Senate Joint Resolution No. 431** -- Memorials, Recognition and Thanks - Laura Nell Jesse Thomas. by \*Ramsey.

**Senate Joint Resolution No. 432** -- Memorials, Academic Achievement - Sarah Keitzman, Young Columbus Essay Contest Winner. by \*Crutchfield.

**Senate Joint Resolution No. 433** -- Memorials, Academic Achievement - Brian Stewart, 1998 Young Columbus Essay Contest. by \*Crutchfield.

**Senate Joint Resolution No. 434** -- Memorials, Death - Virginia Harper. by \*Springer.

**Senate Joint Resolution No. 436** -- Memorials, Sports - Loftis Middle School cheerleaders, World Cheerleading Association's Middle School National Championship. by \*Fowler.

**Senate Joint Resolution No. 438** -- Memorials, Public Service - Postmaster General Marvin Runyon. by \*Gilbert, \*Atchley, \*Haynes, \*Henry, \*Womack, \*Rochelle, \*Kyle, \*Herron.

**\*Senate Joint Resolution No. 439** -- General Assembly, Statement of Intent or Position - Urges Tennessee Oilers' owner Bud Adams to change nickname of team. by \*Miller J, \*Ramsey, \*Elsea, \*Carter, \*Clabough, \*McNally, \*Gilbert, \*Person, \*Crowe, \*Fowler, \*Atchley, \*Crutchfield, \*Davis L, \*Graves, \*Herron, \*Haynes, \*Williams, \*Cooper, \*Springer, \*Burks, \*Dixon, \*Ford J, \*Cohen.

## PERSONAL ORDERS

## RULES SUSPENDED

Rep. Lewis moved to suspend the rules to consider House Bill No. 3210, which motion prevailed.

**House Bill No. 3210** -- Coffee County - Subject to local approval, increases size of highway commission from five to six members; replaces county judge with county executive as ex-officio member of commission; establishes new districts for commission members Amends Chapter 8 of the Private Acts of 1971, as amended. by \*Lewis.

Rep. Lewis moved that House Bill No. 3210 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes.....	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.



**RULES SUSPENDED**

Rep. Sharp moved that the rules be suspended for consideration of House Joint Resolution No. 518 out of order, which motion prevailed.

**House Joint Resolution No. 518** -- Memorials, Sports - 1997 East Ridge High School volleyball team, TSSAA, Division 1, Class 3-A state champions. by \*Sharp.

On motion, the rules were suspended for the immediate consideration of the resolution.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

On motion of Rep. Sharp, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Sharp moved that the rules be suspended for consideration of House Joint Resolution No. 519 out of order, which motion prevailed.

**House Joint Resolution No. 519** -- Memorials, Sports - Catherine Neely, East Ridge High School volleyball coach. by \*Sharp.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Sharp, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes .....93  
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

### INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 525** -- Memorials, Congress - Urges passage of Medicare Venipuncture Fairness Act. by \*Patton.

Health & Human Resources Committee

**\*House Joint Resolution No. 527** -- General Assembly, Statement of Intent or Position - Urges Tennessee Oilers to abide by contract with Memphis/Shelby County Sports Authority to remain in Liberty Bowl Memorial Stadium for 1998 season. by \*Miller L.

Commerce Committee

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 18, 1998:

**House Resolution No. 146** -- Memorials, Professional Achievement - Don Simbeck, Conservation Teacher of the Year. by \*White, \*Hargett.

**House Resolution No. 147** -- Memorials, Personal Occasion - Eliza Bacon Miller, 100th birthday. by \*Ferguson.

**House Resolution No. 148** -- Memorials, Public Service - D.R. Beeson, 1998 "Spirit of Johnson City" award winner. by \*Hicks.

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**House Resolution No. 149** -- Memorials, Public Service - Mrs. Mattie Poole, West Nashville Civitan Club "Citizen of the Year." by \*Boner.

**House Joint Resolution No. 524** -- Memorials, Retirement - Dr. John Derryberry. by \*Phillips, \*Sands.

**House Joint Resolution No. 528** -- Memorials, Professional Achievement - Jake Hubbell, FFA President of 1997-1998. by \*Sands.

**House Joint Resolution No. 529** -- Memorials, Public Service - Copperweld Corporation. by \*Phillips.

**House Joint Resolution No. 530** -- Memorials, Retirement - Dean Authur S. Holmon. by \*Hargett, \*Haley, \*Pleasant, \*Cooper B, \*Scroggs, \*Beavers, \*Brooks, \*DeBerry J, \*Townes, \*Jones U (Shelby), \*Miller L, \*DeBerry L, \*Turner (Shelby), \*Chumney.

**House Joint Resolution No. 531** -- Memorials, Public Service - Anna Wilson. by \*Boner.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 18, 1998:

**Senate Joint Resolution No. 422** -- Memorials, Death - Gleason Police Chief Kenneth Eason. by \*Herron.

**Senate Joint Resolution No. 423** -- Memorials, Death - Judge Robert Neal Glasgow. by \*Herron.

**Senate Joint Resolution No. 424** -- Memorials, Professional Achievement - WCMT-AM/FM (Martin) and WCDZ (Dresden), 40th anniversary. by \*Herron.

**Senate Joint Resolution No. 425** -- Memorials, Retirement - Ancel R. McDuffee, Tennessee Board of Paroles. by \*Herron.

**Senate Joint Resolution No. 426** -- Memorials, Death - Richard S. Jones. by \*Herron.

**Senate Joint Resolution No. 427** -- Memorials, Death - Richard Albert Deason. by \*Herron.

**Senate Joint Resolution No. 428** -- Memorials, Death - Jenny Mangum. by \*Herron.

**Senate Joint Resolution No. 429** -- Memorials, Death - Turner E. Kirkland. by \*Herron.

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**Senate Joint Resolution No. 430** -- Memorials, Public Service - Dr. Buck Tarpley, recipient of Harold Love Outstanding Community Involvement Award. by \*Herron.

**Senate Joint Resolution No. 431** -- Memorials, Recognition and Thanks - Laura Nell Jesse Thomas. by \*Ramsey.

**Senate Joint Resolution No. 432** -- Memorials, Academic Achievement - Sarah Keitzman, Young Columbus Essay Contest Winner. by \*Crutchfield.

**Senate Joint Resolution No. 433** -- Memorials, Academic Achievement - Brian Stewart, 1998 Young Columbus Essay Contest. by \*Crutchfield.

**Senate Joint Resolution No. 434** -- Memorials, Death - Virginia Harper. by \*Springer.

**Senate Joint Resolution No. 436** -- Memorials, Sports - Loftis Middle School cheerleaders, World Cheerleading Association's Middle School National Championship. by \*Fowler.

**Senate Joint Resolution No. 438** -- Memorials, Public Service - Postmaster General Marvin Runyon. by \*Gilbert, \*Atchley, \*Haynes, \*Henry, \*Womack, \*Rochelle, \*Kyle, \*Herron.

**Senate Joint Resolution No. 441** -- Memorials, Retirement - Lorean Jones. by \*Ford J.

**Senate Joint Resolution No. 445** -- Memorials, Sports - Sarah Marie Edwards, 1997 Wendy's High School Heisman Trophy Award winner. by \*Clabough (S), \*Atchley.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 379** -- General Assembly, Directed Studies - Directs department of environment and conservation to conduct feasibility study to create new park management unit from certain state properties along Harpeth River. by \*Kurita.

Conservation & Environment Committee

**Senate Joint Resolution No. 411** -- Naming and Designating - "Emergency Preparedness Day," fourth Wednesday of September each year. by \*Williams.

State & Local Government Committee

## INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3369** -- Berry Hill - Revises charter to bring certain employees into civil service and pensions program. Repeals Chapter 367 of the Private Acts of 1953. by \*Pruitt.

## SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 2168** -- Consumer Protection - Requires ticket sellers to refund ticket purchase price plus fees and charges when concert or event cancelled; allows ticket sellers to recover refund money from promoter or entertainer responsible for scheduling concert or event. Amends TCA Title 47, Chapter 18, Part 1. by \*Cohen.

**Senate Bill No. 2186** -- Highway Signs - "John A. Ammons Memorial Bridge," Knob Creek on S.R. 7, Maury County. by \*Jordan.

**Senate Bill No. 2191** -- Loan Companies - Increases permissible bad check fee from \$15.00 to amount not to exceed \$20.00. Amends TCA Section 45-5-403(7). by \*Rochelle.

**Senate Bill No. 2211** -- Highways, Roads and Bridges - Urges department of transportation to continue widening of Highway 70 from Waverly to Dickson. by \*Springer.

**Senate Bill No. 2213** -- Highways, Roads and Bridges - Urges Tennessee department of transportation to begin environmental studies and preliminary engineering on Highway 100 from Centerville to Nashville. by \*Springer, \*Henry, \*Haynes.

**\*Senate Bill No. 2217** -- Credit Cards - Deems retail charge agreement to be signed if application or agreement signed or if charge account used by retail buyer or person authorized by buyer so long as retail buyer has received Truth-in-Lending disclosures and seller has extended credit for transaction. Amends TCA Section 47-11-104. by \*Cooper.

**Senate Bill No. 2219** -- Highway Signs - "Wiley C. Warden Memorial Bridge," S.R. 49, Yellow Creek, Houston County. by \*Kurita.

**Senate Bill No. 2223** -- Fire Prevention and Investigation - Permits deputy fire inspectors appointed by authorized city officials to conduct electrical inspections for a fee upon request of property owners, electric suppliers, or municipal or county governments. Amends TCA 68-102-143. by \*Williams, \*Atchley.

**Senate Bill No. 2226** -- Textbooks - Raises earnest money certified check limit for publishers bidding on textbook contracts from \$2,000 maximum to \$10,000 (\$1,000 per book) and bond requirements from \$10,000 maximum to \$1,000,000. TCA Section 49-6-2203. by \*Elsa, \*Atchley.

**THURSDAY, FEBRUARY 12, 1998 -- SIXTY-FOURTH LEGISLATIVE DAY**

**Senate Bill No. 2236** -- Banks and Financial Institutions - Permits department of financial institutions and other bank supervisory agencies to share portion of fees paid by Tennessee banks with branches in other states. Amends TCA 45-2-1408(f). by \*Carter, \*Atchley.

**Senate Bill No. 2242** -- Tobacco, Tobacco Products - Permits county and municipal law enforcement agencies to receive 50 percent of net proceeds realized from confiscated contraband tobacco products seized by officer of agency. Amends TCA 67-4-1021. by \*Fowler, \*Atchley.

**\*Senate Bill No. 2288** -- Corporations - Revises methods by which shareholder may authorize another person to act as proxy. Amends TCA Title 48, Chapter 17. by \*Rochelle.

**Senate Bill No. 2297** -- Day Care - Requires DHS licensure application and renewal fees, collected from family child care homes, group child care homes and child care centers, to be earmarked and used solely for training and educational programs and services for child care providers. Amends TCA Section 71-3-506. by \*Fowler.

**Senate Bill No. 2307** -- Credit Unions - Authorizes commissioner of financial institutions to extend annual examination to 18 months if credit union received composite rating of 1 or 2 on last examination; commissioner to consider quality of management, capitalization, internal controls and other relevant factors. Amends TCA Section 45-4-1002(a). by \*Rochelle, \*Dixon, \*Carter, \*Elsea, \*Crutchfield, \*Fowler.

**Senate Bill No. 2320** -- Race Relations - Requires staff of historical commission to compile and publish guide on African-American markers placed throughout state to acquaint citizens and visitors with cultural and historical heritage of African-Americans in Tennessee. by \*Dixon, \*Harper.

**\*Senate Bill No. 2332** -- Courts - Requires that final orders and cost bonds include name, address and social security or other identifying number of party ordered to pay court costs. by \*Rochelle.

**\*Senate Bill No. 2335** -- Uniform Commercial Code - Repeals provisions relative to Bulk Sales; makes conforming amendments; preserves rights and obligations arising under repealed provisions. Amends TCA Section 47-1-105(2); Section 47-2-403 and Section 67-1-1801. Repeals TCA Title 47, Chapter 6 and Section 47-9-111; and to amend TCA Section 47-1-105(2); Section 47-2-403 and Section 67-1-1801. by \*Rochelle.

**\*Senate Bill No. 2382** -- Health - Deletes 1990-1995 date restriction relative to commission to develop and update Tennessee state health plan. Amends TCA Section 68-11-125. by \*Cooper.

**\*Senate Bill No. 2415** -- Criminal Offenses - Enacts "Tennessee Identity Theft and Assumption Deterrence Act of 1998"; creates offense of identity theft and assumption, punishable as Class A misdemeanor. Amends TCA Section 39-16-302. by \*McNally.

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3368** -- Driver Licenses - House Transportation Committee

### REPORTS FROM STANDING COMMITTEES

The committees that met on **February 10, 1998**, reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **February 12, 1998**: House Bill(s) No(s). 2129 and Senate Joint Resolution No. 349.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **February 12, 1998**: House Bill(s) No(s). 2073 and 2104.

#### COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 2279, 2280, 2209 and 2221. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 2791, 2765, 2787, 2486 and 2216, also House Bill(s) No(s). 2790 and 1262 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2091, 2228, 2554, 2688, 3089 and House Joint Resolution No. 436. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2061 and 2066. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that House Bill(s) No(s). 2351 be transmitted to the House Agriculture Committee.

## HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2202. Under the rules, each was transmitted to the Calendar and Rules Committee.

## STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2274, 2437, 2191, 2099, 2138, 2117 and 2305, also House Bill(s) No(s). 2266, 1885 and 2273 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## REPORTS FROM STANDING COMMITTEES

The committees that met on **February 11, 1998**, reported the following:

### CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2215. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2214. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2227 and 2205, also House Bill(s) No(s). 1738 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2100 and 2108. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2609, 2614, 2801, also House Bill(s) No(s). 2591 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2469 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.



**REPORTS FROM STANDING COMMITTEES**

The committees that met on **February 12, 1998**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **February 18, 1998**: House Bill(s) No(s). 2279, 2061 and 2066.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **February 18, 1998**: House Bill(s) No(s). 2280, 3089 and 2247.

**CAPTION BILLS REFERRED  
February 10, 1998**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 659, 1711, 1608, 2084, 2463 and 2685 held on the Clerk's desk were referred to the following Committee(s):

**\*House Bill No. 659** -- Taxes -- House State & Local Government Committee

**House Bill No. 1711** -- Health -- House Health & Human Resources Committee

**House Bill No. 1608** -- Hospitals and Health Care Facilities -- House Health & Human Resources Committee

**\*House Bill No. 2084** -- Health -- House Education Committee

**House Bill No. 2463** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

**House Bill No. 2685** -- Insurance, Health, Accident -- House Commerce Committee

**CAPTION BILLS REFERRED  
February 12, 1998**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 2366, 2769 and 2662 held on the Clerk's desk were referred to the following Committee(s):

**House Bill No. 2366** -- Education, Higher -- House Education Committee

**House Bill No. 2769** -- State Government -- House State & Local Government Committee

**House Bill No. 2662** -- General Assembly -- House State & Local Government Committee

CONSENT CALENDAR

**\*House Bill No. 2073** -- Regional Authorities - Redistributes certain funds in Moore County relative to abolition of Tennessee Elk River development agency. Amends Chapter 816 of the Public Acts of 1996. by \*Fraleigh. (SB2153 by \*Cooper)

On motion, House Bill No. 2073 was made to conform with **Senate Bill No. 2153**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 2104** -- Highway Signs - "Wiley C. Warden Memorial Bridge," S.R. 49, Yellow Creek, Houston County. by \*Ridgeway. (SB2219 by \*Kurita)

On motion, House Bill No. 2104 was made to conform with **Senate Bill No. 2219**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 145** -- Memorials, Retirement - Lorene E. Jones. by \*Brooks, \*Turner (Shelby), \*Miller L, \*Cooper B, \*Pruitt, \*Jones U (Shelby), \*Bowers, \*Langster, \*Towns, \*DeBerry J, \*Armstrong, \*DeBerry L.

**House Joint Resolution No. 518** -- Memorials, Sports - 1997 East Ridge High School volleyball team, TSSAA, Division 1, Class 3-A state champions. by \*Sharp.

**House Joint Resolution No. 519** -- Memorials, Sports - Catherine Neely, East Ridge High School volleyball coach. by \*Sharp.

**House Joint Resolution No. 521** -- Memorials, Death - Rudy Braswell. by \*McDonald, \*Stamps.

**House Joint Resolution No. 522** -- Memorials, Sports - Roger Vannoy, Lincoln Memorial University women's basketball coach, 300th collegiate victory. by \*Goins.

**House Joint Resolution No. 523** -- Memorials, Sports - 1997 Houston High School boys' cross country team, TSSAA Class 3-A state champions. by \*Scroggs.

**Senate Joint Resolution No. 410** -- Memorials, Professional Achievement - Daniel G. Owen, 4-H leader in Bedford County. by \*Womack.

**Senate Joint Resolution No. 413** -- Memorials, Professional Achievement - Professor Mark Jarman, National Book Critics Circle Award nominee in poetry. by \*Henry.

**Senate Joint Resolution No. 415** -- Memorials, Sports - 1997 Jellico High School TSSAA Region 2 2-A football players. by \*McNally.

**Senate Joint Resolution No. 417** -- Memorials, Death - Reverend Hogan Yancy. by \*Herron, \*Henry.

**Senate Joint Resolution No. 418** -- Memorials, Death - Carol Feeney. by \*Herron.

**Senate Joint Resolution No. 419** -- Memorials, Death - Chancellor Aaron Brown, Sr. by \*Herron, \*Cohen, \*Dixon.

**Senate Joint Resolution No. 420** -- Memorials, Professional Achievement - J. C. Carey, Physician's Assistant of the Year. by \*Herron.

**Senate Joint Resolution No. 421** -- Memorials, Professional Achievement - Hart's Cleaners, 50th anniversary. by \*Herron.

On previous motion, the Rules were suspended and House Joint Resolution(s) No(s). 518 and 519 were adopted.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....91  
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 91.

A motion to reconsider was tabled.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

#### REGULAR CALENDAR

**\*House Bill No. 2048** -- Loan Companies - Increases permissible bad check fee from \$15.00 to amount not to exceed \$20.00. Amends TCA Section 45-5-403(7). by \*Rhinehart. (SB2191 by \*Rochelle)

Further consideration of House Bill No. 2048, previously considered on February 9, 1998, and reset to today's Calendar.

On motion, House Bill No. 2048 was made to conform with **Senate Bill No. 2191**; the Senate Bill was substituted for the House Bill.

THURSDAY, FEBRUARY 12, 1998 -- SIXTY-FOURTH LEGISLATIVE DAY

Rep. Rhinehart moved that **Senate Bill No. 2191** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	80
Noes .....	10
Present and not voting.....	4

Representatives voting aye were: Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Armstrong, Brooks, Churnney, Cooper, Jones S., Kennell, Maddox, Odom, Ritchie, West -- 10.

Representatives present and not voting were: Beavers, Miller, Pleasant, Towns -- 4.

A motion to reconsider was tabled.

**House Bill No. 2129** -- Statutes - Codifies public acts of 1997. by \*Hargrove. (\*SB2071 by \*Wildier, \*Person, \*Rochelle)

On motion, House Bill No. 2129 was made to conform with **Senate Bill No. 2071**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 2071 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Hargrove moved that **Senate Bill No. 2071** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting.....	1

**THURSDAY, FEBRUARY 12, 1998 -- SIXTY-FOURTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Bird -- 1.

A motion to reconsider was tabled.

**House Bill No. 2962** -- Westmoreland - Subject to local approval, permits sale of city utility system without referendum of people. Amends Chapter 306 of the Private Acts of 1951, as amended, by \*McDonald. (SB3104 by \*Graves)

Further consideration of House Bill No. 2962, objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. McDonald moved that **House Bill No. 2962** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	1
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Boyer, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Miller -- 1.

Representatives present and not voting were: Beavers, Bowers, Brooks -- 3.

**THURSDAY, FEBRUARY 12, 1998 -- SIXTY-FOURTH LEGISLATIVE DAY**

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 349** -- Highway Signs - "Guy E. Bates, Sr. Highway," segment of S.R. 65 (Whites Creek Pike), Davidson County. by \*Haynes, \*Henry, \*Harper.

Rep. Williams moved that Senate Joint Resolution No(s). 349 be reset for the Regular Calendar on February 18, 1998, which motion prevailed.

**UNFINISHED BUSINESS**

**BILLS WITHDRAWN**

On motion of Rep. Whitson, **House Bill No. 2438** was recalled from the State & Local Government Committee and withdrawn from the House.

On motion of Rep. Stulce, **House Bill No. 129** was recalled from the State & Local Government Committee and withdrawn from the House.

On motion of Rep. Stulce, **House Bill No. 845** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Stulce, **House Bill No. 846** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Wood, **House Bill No. 3225** was recalled from the Education Committee and withdrawn from the House.

**RULES SUSPENDED**

Rep. Hargrove moved that the rules be suspended for the purpose of introducing **House Joint Resolution No. 526** out of order, which motion prevailed.

**House Joint Resolution No. 526** -- General Assembly, Joint Conventions - State of Judiciary Address, Thursday, February 19, 1998, 10:00 a.m. by \*Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

**COMMITTEE APPOINTMENTS**

The Speaker announced that Representative Walker(Blount) has been assigned to the Commerce Committee and the Health & Human Resources Committee and Representative J. DeBerry has been assigned to the Commerce Committee.

**ENGROSSED BILLS  
February 12, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3210.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
February 12, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 518 and 519.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
February 12, 1998**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2962, also, House Joint Resolution(s) No(s). 521, 522, 523 and 526.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
February 12, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 518 and 519; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
February 12, 1998**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 491, 492, 493, 494, 495 and 498.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**February 12, 1998**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 145; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**February 12, 1998**

The Speaker signed the following: House Resolution(s) No(s). 145.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**February 12, 1998**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 469, 470, 471, 473, 474, 475, 478, 479, 480, 482, 483 and 507, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**February 12, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1283, 2154, 2163, 2231, 2281, 2286, 2305, 2457, 2481, 2523, 2542, 2563, 2715, 2823, 2897, 2904 and 3005; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1283** -- Sentencing - Enacts "Lottie's Law"; adds to list of aggravating circumstances, which may be considered in sentencing person for first degree murder, if age of victim was 70 years of age or older at time of murder. Amends TCA Title 39, Chapter 13, Part 2. by \*Burks, \*Williams, \*Kurita, \*Crowe, \*Springer.

**\*Senate Bill No. 2154** -- Adoption - Allows teacher to use sick leave for adoption purposes on same basis as sick leave is used for pregnancies. Amends TCA Section 49-5-710. by \*Womack, \*Miller J, \*Fowler, \*Crowe, \*Dixon, \*Springer.

**\*Senate Bill No. 2163** -- Domestic Violence - Increases expiration period of ex parte orders of protection from ten to 15 days. Amends TCA Section 36-3-604 and Section 36-3-605. by \*Womack.



**THURSDAY, FEBRUARY 12, 1998 -- SIXTY-FOURTH LEGISLATIVE DAY**

**Senate Bill No. 2231** -- Water Pollution - Rewrites certain drinking water system definitions and requirements. Amends TCA Title 68, Chapter 221, Part 7. by \*Gilbert, \*Atchley.

**Senate Bill No. 2281** -- Election Laws - Requires employers to excuse from employment full-time employees who are appointed voting machine technicians performing such duties on part-time basis. Amends TCA Title 2. by \*Rochelle.

**Senate Bill No. 2286** -- County Officers - Authorizes county executive to adopt personnel policy for employees of office. Amends TCA Title 5, Chapter 23. by \*Rochelle.

**Senate Bill No. 2305** -- Local Government, General - Authorizes counties and municipalities to enter into agreements with private or public nonprofit corporations to provide emergency and non-emergency ambulance service and if such contracts exist, then for interlocal agreements such corporations are considered to be public agencies. Amends TCA Title 7, Chapter 61 and Title 12, Chapter 9. by \*Rochelle, \*Buck.

**\*Senate Bill No. 2457** -- Game and Fish Laws - Creates lifetime sportsman license and wildlife management fund to be partially funded by lifetime sportsman license fee. Amends TCA Title 70, Chapter 1 and Section 70-2-201. by \*Cooper, \*Rochelle.

**Senate Bill No. 2481** -- Local Education Agency - Allows general assembly, by private act, to set county board of education membership at not less than three nor more than 10. Amends TCA Section 49-2-201. by \*Davis L.

**\*Senate Bill No. 2523** -- State Employees - Establishes 50 percent year round discount for full-time state employees on camping fees charged at state parks. Amends TCA Title 11, Chapter 3. by \*Springer, \*Williams, \*Crowe.

**\*Senate Bill No. 2542** -- Education, Higher - Increases number of minority teaching fellow positions from 106 to 116; increases maximum per year number from 29 to 35. Amends TCA Title 49, Chapter 4, Part 7. by \*Dixon, \*Cohen, \*Womack, \*Harper.

**\*Senate Bill No. 2563** -- Memorials, Government Officials - Directs chancellor of state university and community college system to erect plaque on MTSU campus honoring James McGill Buchanan, MTSU graduate and Nobel laureate in economics; MTSU Foundation to bear cost of such marker. by \*Womack.

**\*Senate Bill No. 2715** -- Local Education Agency - Allows local education agency to deny enrollment to student suspended or expelled from another agency in this or another state. Amends TCA Section 49-6-3401. by \*Womack, \*Graves, \*Springer.

**Senate Bill No. 2823** -- Contractors - Requires governor to appoint each member of state board of contractors who is residential contractor from list of names submitted by Home Builders Association of Tennessee, Inc. Amends TCA Section 62-6-104. by \*Ramsey.

**THURSDAY, FEBRUARY 12, 1998 -- SIXTY-FOURTH LEGISLATIVE DAY**

**Senate Bill No. 2897** -- Highway Signs - "Fort Southwest Point," I-40, Exit 352. by \*Davis L.

**\*Senate Bill No. 2904** -- Highway Signs - "Historic Mansker Station Frontier Life Center," I-65, Exit 97, Sumner County. by \*Graves, \*Haynes.

**Senate Bill No. 3005** -- Highway Signs - "Edwin Erwin Ramp," I-181 ramp. by \*Haun.

**CONSENT CALENDAR  
February 12, 1998**

The following local bills have been placed on the Consent Calendar for **February 18, 1998**: House Bill(s) No(s). 2707, 2924, 2937, 2941, 2943, 2950, 2999 and 3173.

**ROLL CALL**

The roll call was taken with the following results:

Present.....91

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Head, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

**RECESS MOTION**

On motion of Rep. Arriola, the House recessed until 2:00 p.m., Wednesday, February 18, 1998.